

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DOUGLAS J. BARNES,)	
)	
Plaintiff,)	
)	
v.)	No. 2:22-cv-00026-JPH-DLP
)	
BRANDON HUNSLEY,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff Douglas J. Barnes's Complaint, Dkt. [1]. On January 20, 2022, the Honorable James Patrick Hanlon issued an Order referring this matter to the Undersigned to issue a final report and recommendation on the screening of Mr. Barnes's Complaint and the need for payment of the initial filing fee or request to proceed *in forma pauperis*. (Dkt. 3).

Title 28 U.S.C. § 1915(a) permits the Court to authorize a plaintiff to file a lawsuit "without prepayment of fees" if the plaintiff "submits an affidavit" demonstrating that he lacks the assets to pay the filing fee at this time. 28 U.S.C. § 1915(a)(1). The Court notes, however, that while *in forma pauperis* status allows a plaintiff to proceed without *pre*-payment of the filing fee, the plaintiff remains liable for the full fee. *Robbins v. Switzer*, 104 F.3d 895, 898 (7th Cir. 1997) (Every *in forma pauperis* litigant is liable for the filing fee; "all [28 U.S.C.] § 1915(a) does for any litigant is excuse the *pre*-payment of fees.") (emphasis in original).

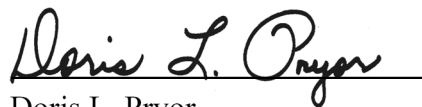
Here, Plaintiff has not filed a motion to proceed *in forma pauperis*. Nor has Plaintiff paid the initial filing fee. Accordingly, the Undersigned recommends that Plaintiff have through **March 14, 2022**, in which to either pay the \$402.00 filing fee for this action or to submit a motion for leave to proceed *in forma pauperis* on a form provided by the Court. The **Clerk is directed** to send Plaintiff the Court's form motion for seeking *in forma pauperis* status with Plaintiff's copy of this Entry. The Undersigned also recommends that Plaintiff be advised that failure to pay the filing fee or to submit a motion for leave to proceed *in forma pauperis* by the established deadline can result in dismissal of the action without prejudice to refiling within the statute of limitations.

The Undersigned recommends that screening of the complaint pursuant to 28 U.S.C. § 1915(e) occur upon resolution of the fee or *in forma pauperis* status.

Any objections to the Magistrate Judge's Report and Recommendation must be filed in accordance with 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). Failure to file objections within fourteen days after service will constitute a waiver of subsequent review absent a showing of good cause for such failure.

So RECOMMENDED.

Date: 1/26/2022

A handwritten signature in black ink, reading "Doris L. Pryor", is written over a horizontal line.

Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email

DOUGLAS J. BARNES

273729

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